IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9460 of 2005

Between:

Musunooru Varalakshmi, W/o. Musunooru Satyanarayana,
R/o. Poranki, Vijayawada Rural, Krishna District.

.... PETITIONER

AND

1 The Gram Sachivalayam, Poranki, rep. by its Village Secretary,
Poranki, Vijayawada rural, Krishna district.
2 The Mandal Revenue Officer, Poranki Village, Penamalur Mandal,
Krishna district.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any writ, order or direction more especially one in the nature of writ of Mandamus declaring the action of the respondent in taking unilateral decision to close the open site without notice to the petitioner and the villages for the purpose of constructing water tank by blocking the only pathway being used by the residents as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to re-consider the decision to close the pathway situated in sy.No.379 and 378/2 of Poranki Village, for the constructions of Water Tank by choosing alternate land for the same as it causes irreparable hardship and injury for egress and ingress in the interest of justice.

Counsel for the Petitioner: MR.J.U.M.V.PRASAD

Counsel for the Respondent 1: MR.DANTU.SRINIVAS

Counsel for the Respondent 2: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9460 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the alleged action of the respondents in taking unilateral decision to close the open site, without notice to the petitioner and the villagers for the purpose of constructing water tank by blocking the only pathway being used by the residents as arbitrary and illegal.

The petitioner does not dispute the fact that the land where the water tank is proposed to be constructed is classified as 'Government Land'. However, the only objection appears to be that since the said land is being used by the residents of locality as pathway to reach the public road, without providing an alternative land to satisfy the requirements of the villagers, the respondents ought not to have proceeded with the construction of the water tank. Whether the proposed water tank would block the pathway and whether any other alternate suitable site is available for construction of water tank are all pure questions of fact which cannot be enquired into and decided by this Court in exercise of writ jurisdiction.

That apart, as can be seen from the material on record, the petitioners have already made a representation on 13-04-2005 before the 2nd respondent – Mandal Revenue Officer bringing to his notice that the proposed water tank, if constructed would block the pathway being used by the residents of the locality. If that be so, it is

for the 2nd respondent – Mandal Revenue Officer to take an appropriate decision after taking into consideration all the relevant factors.

In the circumstances, the interference of this Court is not warranted and I do not see any justifiable reason to issue a Writ of Mandamus as prayed for. The Writ Petition is accordingly dismissed. No costs.

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26th April, 2005.

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To

1 The Secretary, Gram Sachivalayam, Poranki,
Poranki, Vijayawada rural, Krishna District.
2 The Mandal Revenue Officer, Poranki Village, Penamalur Mandal,
Krishna district.

3 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad.
(OUT)

4 Two C.D. copies.